

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

United States of America,

Plaintiff,

Criminal No. 19-mj-30614

v.

D-1 Ricardo Martinez,  
D-2 Dwight Hassan Rashad,

Defendants.

---

**MOTION AND BRIEF FOR LEAVE TO  
DISMISS COMPLAINT WITHOUT PREJUDICE**

---

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, the United States of America hereby moves for leave to dismiss without prejudice the complaint against Defendants Ricardo Martinez and Dwight Hassan Rashad. In this case, the government needs additional time

- 1) to develop and obtain evidence sufficient to establish defendants' guilt beyond a reasonable doubt;
- 2) to investigate the full extent of the offenses in question and identify all other individuals who should be held criminally responsible for the offenses; or
- 3) to decide whether criminal prosecution of defendants for the offenses in question is in the public interest.

*See generally United States v. Lovasco*, 431 U.S. 783,790-96 (1977); 18 U.S.C. § 3161(d)(1). The government's ability to prosecute this case properly would be substantially impaired were it required to proceed to indictment or information within the 30-day period prescribed by the Speedy Trial Act, *see* 18 U.S.C. §§ 3161(b), 3161(h). Accordingly, the government requests leave to dismiss the complaint without prejudice.

Respectfully submitted,

**MATTHEW SCHNEIDER**  
United States Attorney

*s/David J. Portelli*  
David J. Portelli

*s/Thomas Franzinger*  
Thomas Franzinger  
Assistant United States Attorneys  
211 W. Fort Street, Suite 2001  
Detroit, MI 48226  
(313) 226-9100  
Dave.Portelli@usdoj.gov  
Thomas.Franzinger2@usdoj.gov

Dated: December 18, 2019

CERTIFICATE OF SERVICE

I hereby certify that on Wednesday, December 18, 2019, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Avery J. Bradley  
ajblawfirm@yahoo.com

Todd Russell Perkins  
tperkins@perkinslawgroup.net

s/David J. Portelli  
David J. Portelli  
Assistant United States Attorney  
211 W. Fort Street, Suite 2001  
Detroit, MI 48226  
Dave.Portelli@usdoj.gov  
(313) 226-9711  
P40688